



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

107

**RSA-2725-2018 (O&M)****Date of Decision : 23.07.2024**

MANGE LAL (SINCE DECEASED) THR LR

.... Appellant

VERSUS

VINAY PAL SINGH &amp; ORS.

.... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Gurmohan Singh Bedi, Advocate for the appellant.

**ALKA SARIN, J. (ORAL)**

1. The present appeal has been preferred by the plaintiff-appellant against the judgment and decree dated 07.07.2014 passed by the Trial Court and the judgment and decree dated 25.01.2017 passed by the First Appellate Court.

2. The brief facts relevant to the present *lis* are that the plaintiff-appellant filed a suit for recovery of possession of the suit property which had allegedly been razed to the ground as also for damages.

3. The suit was contested by the defendant-respondents by raising preliminary objections regarding maintainability, *locus standi* and lack of cause of action. On merits it was stated that the plaintiff-appellant had no concern with the suit property as he was not the owner of the same.

4. Replication was filed reiterating the averments made in the plaint and denying those made in the written statement.

5. On the basis of the pleadings of the parties, the following issues were framed :

1. Whether the plaintiff is entitled to a decree for possession of suit property ? OPP
2. Whether the plaintiff is entitled to movable property as mentioned in the plaint ? OPD
3. Whether the suit is not maintainable in the present suit ? OPD
4. Whether the plaintiff has no locus standi and cause of action to file the present suit ? OPD
5. Whether the suit of the plaintiff is false or frivolous ? OPD
6. Whether the suit is liable to be dismissed with special cost under Section 35-A of Code of Civil Procedure, 1908 (in short CPC) ?
7. Relief.

6. The Trial Court vide judgment and decree dated 07.07.2014 dismissed the suit of the plaintiff-appellant. Aggrieved by the same an appeal was preferred which appeal was also dismissed by the First Appellate Court vide judgment and decree dated 25.01.2017. Hence, the present regular second appeal by the plaintiff-appellant.

7. Learned counsel for the plaintiff-appellant would contend that the plaintiff-appellant in the present case had led cogent evidence to show his ownership, however, the same has not been considered. It is urged that the Courts have erred in dismissing the suit of the plaintiff-appellant.

8. Heard.

9. In the present case the plaintiff-appellant had miserably failed to show that he was owner in possession of the suit property. Admitted case of the plaintiff-appellant was that he was not in possession of the suit property and that the property had been razed to the ground level. The First Appellate Court had noticed that the defendant-respondents had proved on record the sale deed executed in their favour regarding the suit property. It is trite that possession of the vacant land goes with title. In the absence of any evidence having been led by the plaintiff-appellant qua his ownership or possession, the suit was rightly dismissed by the Courts below. No other point has been argued.

10. In view of the above, I do not find any merit in the present appeal. No question of law, much less any substantial question of law, arises for determination in the present case. The appeal being devoid of any merits is accordingly dismissed. Pending applications, if any, also stand disposed off.

**23.07.2024**  
*Aman Jain*

**(ALKA SARIN)**  
**JUDGE**

*NOTE: Whether speaking/non-speaking: Speaking*  
*Whether reportable: Yes/No*